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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 PILAR FONTENOT,

15 Defendant.
16

No. CR 05-70546 MAG

STIPULATION AND
~~PROPOSED~~ ORDER
CONTINUING DATE FOR
PRELIMINARY HEARING
OR ARRAIGNMENT

17 Having made their initial appearance before this Court on July 14, 2005, the parties are
18 scheduled to appear for preliminary hearing or arraignment on August 3, 2005. The government
19 is in the process of assembling discovery and the parties are engaged in discussions about a
20 possible pre-indictment resolution. Accordingly, the parties agree and stipulate that the date for
21 preliminary hearing or arraignment shall be continued for 30 days and reset for September 2,
22 2005 before Judge Spero.

23 The parties further agree and stipulate that an exclusion of time under the Speedy Trial
24 Act is appropriate to accommodate this period of delay resulting from the need for defense
25 counsel to review discovery and have further discussions with government counsel. In addition,
26 defense counsel will be on assignment to the Eastern District of California during August, such
27 that an exclusion is warranted for continuity of counsel.


28 Ms. Fontenot consents to waive her right under Rule 5.1(c) of the Federal Rules of
Criminal Procedure to a preliminary hearing within twenty days of her initial appearance, and the

1 parties agree and stipulate that there is good cause, taking into account the public interest in the
2 prompt disposition of criminal cases, for the requested extension.

3 IT IS SO STIPULATED.


4 BARRY PORTMAN
5 Federal Public Defender

6 Dated: 7/28/05

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8 JOSH COHEN
9 Assistant Federal Public Defender

10 KEVIN V. RYAN
11 United States Attorney

12 Dated: 7/24/05

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14 ROBERT REES
15 Assistant United States Attorney

16 Accordingly, and for good cause shown, it is hereby ORDERED that the date for
17 preliminary hearing or arraignment, presently set for August 3, 2005, shall be continued to
18 September 2, 2005 at 9:30 AM before Magistrate Judge Joseph Spero.

19 It is further ORDERED that the time from August 3, 2005 through September 2, 2005
20 shall be excluded under the Speedy Trial Act and Rule 5.1(d) of the Federal Rules of Criminal
21 Procedure. The Court finds that this delay is necessary to provide for effective preparation and
22 continuity of defense counsel, *see* 18 U.S.C. § 3161(h)(8)(B)(iv), and that the ends of justice
23 served by granting the exclusion outweigh the best interest of the public and the defendant in a
24 speedy trial. *See id.* § 3161(h)(8)(A). The Court further finds there is good cause, taking into
25 account the public interest in the prompt disposition of criminal cases, to continue the date for
26 preliminary hearing or arraignment pursuant to Rule 5.1(d).

27 IT IS SO ORDERED.

28 Dated: 8/3/05

29 
30 EDWARD M. CHEN
31 UNITED STATES MAGISTRATE JUDGE